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6 Attorneys for CITY OF BANNING  
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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10

11 SUN LAKES HIGHLAND, LLC, a  
Delaware limited liability company,

12 Petitioner and Plaintiff,  
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14 v.

15 CITY OF BANNING, a municipal  
corporation; and DOES 1 through 10,  
inclusive,  
16

17 Respondents and  
Defendants.  
18

Case No. 5:24-cv-02603-DTB

**JOINT STIPULATION AND [PROPOSED]  
ORDER TO EXTEND TIME TO  
RESPOND TO VERIFIED FIRST  
AMENDED PETITION**

Judge: Hon. David T. Bristow

Trial Date:

19 **TO THIS HONORABLE COURT:**

20 1. Petitioner and Plaintiff Sun Lakes Highland, LLC (“Petitioner”) filed  
21 this action on December 6, 2024, and served its Verified Petition for Writ of  
22 Mandate and Complaint for (1) Violations of the Civil Rights Act, 42 U.S.C.  
23 Section 1983 (Denial of Due Process Under Fourteenth Amendment); (2)  
24 Declaratory Relief on Respondent and Defendant City of Banning (“Respondent”)  
25 on December 11, 2024.

26 2. On December 17, 2024, Petitioner and Respondent executed a  
27 Stipulation to Extend Time to Respond to Initial Complaint by Not More Than 30  
28 Days (L.R. 8-3), extending the time for Respondent to file its responsive pleading

1 from January 2, 2025, to January 31, 2025.

2 3. On January 7, 2025, Petitioner filed its Verified First Amended Petition  
3 for Writ of Mandate for: (1) Violations of Rights to Procedural Due Process and Fair  
4 Hearing; (2) Violations of Government Code section 65300 et seq.; Banning  
5 Municipal Code sections 17.04.030; 17.48.020; 17.56.050; and 17.96.060; and  
6 Complaint for (1) Violations of the Civil Rights Act, 42 U.S.C. Section 1983  
7 (Denial of Due Process under the Fourteenth Amendment); and (2) Declaratory  
8 Relief (“Amended Petition”).

9 4. On January 23, 2025, Petitioner and Respondent executed a Stipulation  
10 to Extend Time to Respond to Verified First Amended Petition, extending the time  
11 for Respondent to file its responsive pleading from January 31, 2025 to February 28,  
12 2025.

13 5. On February 14, 2025, Petitioner and Respondent held a Rule 26(f)  
14 conference and initiated meet and confer efforts regarding Respondent’s planned  
15 Motion to Dismiss the Amended Petition .

16 6. On February 19, 2025 Petitioner informed Respondent that it was  
17 considering amending its Amended Petition.

18 7. Petitioner and Respondent agree that, in light of Petitioner’s  
19 consideration of amendment, extension of the deadline for responsive pleadings and  
20 the Rule 26(f) report serves judicial economy.

21 8. Accordingly, Petitioner and Respondent seek an order extending the time  
22 for Respondent to file its responsive pleading from February 28, 2025, to March 21,  
23 2025.

24 9. The extension is not sought for purposes of delay or any other improper  
25 purpose.

26 THEREFORE, IT IS HEREBY STIPULATED by and between the parties, by  
27 and through their respective counsel, Leah A. Castella, on behalf of Respondent  
28 City of Banning and K. Erik Friess, on behalf of Petitioner Sun Lakes Highland,

1 LLC, as follows:

2 1. The deadline for Respondent City of Banning to file a responsive  
3 pleading to the First Amended Petition is extended from February 28, 2025 to  
4 March 21, 2025.

5 2. The deadline for filing a Rule 26(f) Report, which is currently February  
6 28, 2025, is likewise extended to March 21, 2025.

7

8 **IT IS SO STIPULATED.**

9

10 Dated: February 21, 2025

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

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13

By: /s/

14

K. Erik Friess

15

Attorney for Plaintiff

16

SUN LAKES HIGHLAND, LLC

17 Dated: February 21, 2025

BURKE, WILLIAMS & SORESENSEN, LLP

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19

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By: 

21

J. Leah Castella

22

Attorney for Defendant

CITY OF BANNING

23

**FILER'S ATTESTATION**

24

25

The filing attorney attests that he has obtained concurrence regarding the filing  
of this document and its content from the signatories to this document.

26

27

28

**PROOF OF SERVICE**

**Sun Lakes Highland LLC v. City of Banning, et al.  
5:24-cv-02603**

**STATE OF CALIFORNIA, COUNTY OF ALAMEDA**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Alameda, State of California. My business address is 1999 Harrison Street, Suite 1650, Oakland, CA 94612-3520.

On February 21, 2025, I served true copies of the following document(s) described as

**JOINT STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO RESPOND  
TO VERIFIED FIRST AMENDED PETITION**  
**[PROPOSED] ORDER REGARDING STIPULATION TO EXTEND TIME TO RESPOND  
TO VERIFIED FIRST AMENDED PETITION**

on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 21, 2025, at Oakland, California.



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Anne M. Scott

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**SERVICE LIST**  
**Sun Lakes Highland LLC v. City of Banning, et al.**  
**5:24-cv-02603**

**K Erik Friess**  
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*Attorneys for Petitioner SUN LAKES  
HIGHLAND, LLC*